

EXHIBIT 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a)
Delaware corporation, ORACLE)
USA, INC., a Colorado)
corporation, and ORACLE)
INTERNATIONAL CORPORATION,)
a California corporation,)
Plaintiffs,)
vs.) CASE NO. 07-CV-01658 (MJJ)
SAP AG, a German corporation,)
SAP AMERICA, INC., a Delaware)
corporation, TOMORROWNOW,)
INC., a Texas corporation, and)
DOES 1-50, inclusive,)
Defendants.)

"HIGHLY CONFIDENTIAL"

ORAL VIDEOTAPED DEPOSITION

THOMAS BAMBERGER

JANUARY 29, 2009

ORAL VIDEOTAPED DEPOSITION OF THOMAS BAMBERGER, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on the 29th day of January, 2009, from 8:44 a.m. to 1:27 p.m., before Dana Richardson, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Jones Day, 717 Texas Avenue, Suite 3300, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Job No. 1603-89981

10:40:21 1

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10:40:48 11

10:41:08 12

Q. I'm showing you what has been previously marked as
Deposition Exhibit 608.

10:41:13 13

10:41:19 14

This is a PowerPoint presentation titled

10:41:21 15

"Business Case TomorrowNow 2006, Board Area: Gerd Oswald,

10:41:26 16

Status: November 16, 2005."

10:41:28 17

Have you seen this before?

10:41:30 18

A. Can I flip through?

10:41:33 19

Q. Certainly.

10:42:35 20

A. (Witness reviewing document.)

10:42:37 21

Q. Having looked at it --

10:42:38 22

A. Yes.

10:42:39 23

Q. -- do you recall whether you've seen it before?

10:42:43 24

A. I recall it.

10:42:43 25

Q. Okay. Did you have input into it?

10:42:50 1 A. Yes.

10:42:51 2 Q. And what was that?

10:42:56 3 A. Input has been to -- to collect content of the
10:43:04 4 business owner, of Thomas Zeimen, and put it into the standard
10:43:11 5 format of generating this business case.

10:43:14 6 Q. Do you have a recollection whether you personally
10:43:16 7 collected this content and put it into a template or whether
10:43:20 8 it was a member of your team?

10:43:23 9 A. I don't remember.

10:43:24 10 Q. Would your team also have done a check of the content
10:43:27 11 as we've previously discussed?

10:43:30 12 A. Related to financials, yes.

10:43:31 13

10:43:32 14

10:43:36 15

10:43:51 16

10:43:53 17

10:43:58 18

10:44:02 19

10:44:03 20

10:44:06 21

10:44:11 22

10:44:15 23

10:44:20 24

10:44:22 25

STATE OF TEXAS

COUNTY OF HARRIS

REPORTER'S CERTIFICATE

I, Dana Richardson, a Certified Shorthand Reporter in and for the State of Texas, do certify that this deposition transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me. The witness was requested to review the deposition.

I further certify that I am neither attorney or counsel for, related to, nor employed by any parties to the action in which this testimony is taken and, further, that I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

I further certify that the amount of time used by each party at the deposition is as follows:

Ms. Bree Hann - 03:25

Mr. Scott Cowan - 00:00

SUBSCRIBED AND SWORN TO under my hand and seal of office on this the 3rd day of February, 2009.

Dana Richardson

Dana Richardson, CSR

Texas CSR 5386

Expiration: 12/31/09

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Merrill Legal Solutions



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To assist you in making changes and /or corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

Please read your transcript carefully. If you find any errors or changes you wish to make, insert the changes and/or corrections on the errata sheet by listing the page and the line number reference and then the change you wish to make.

Please do not make any changes and /or corrections on the face of the transcript.

Please do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line and return the Errata sheets to Merrill Legal Solutions at 135 Main Street, 4th Floor, San Francisco, CA 94105 or fax them to (415) 357.4301.

Errata sheet

Page Line

5 21

Change: DEFENDANTS, SAP

15 22

Change: CONTROLLING

16 17

Change: GRO SVEDIL

18 18

Change: STATUS

36 75

Change: JOSEPHACIS

80 22

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Page Line

98 2

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X Subject to the above changes, I certify that the transcript is true and correct.

_____ No changes have been made. I certify that the transcript is true and correct.

Ray
(signature)

Feb. 19. 09
(date)